



Paper No.?

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10309 MEGAN COURT  
FRISCO , TX 75035

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SPECIAL PROGRAMS OFFICE  
DAC FOR PATENTS

In re Application of :  
William Walton :  
Application No. 09/157,427 : DECISION ON PETITION UNDER  
Filed: September 21, 1998 : 37 CFR 1.147(B) WHICH HAS  
For: Procedure for the Mobilization of a : TREATED AS A PETITION UNDER  
Heavy Asphaltene-Based Crude From a : 37 CFR 1.183  
Reservoir Having No Reservoir Drive and :  
only Gravity Drainage as the Production :  
Mechanism Using a Micelle Mutual  
Solvent Based on a Phosphate Ester  
Surfactant and Air Injection

This is in response to the Petition Under 37 CFR 1.47(b), filed February 22, 2000, which has been treated as a Petition under 37 CFR 1.183, suspending the requirement of 37 CFR 1.67.<sup>1</sup>

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to sign the Substitute Declaration and Power of Attorney in the filing of the above-identified application after having been presented with the application papers.<sup>2</sup> Specifically, the affidavit of F. Lindsey Scott establishes that the inventor, William Walton, was mailed twice the substitute Declaration and

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<sup>1</sup> A Petition Under 37 CFR 1.47(b) is only appropriate when all of the inventors refuse to sign the original oath or declaration at the time of filing the application. Since the instant petition involves a sole inventor, who signed the original declaration, but subsequently refuses to sign a *supplemental* declaration in compliance with 37 CFR 1.67 pursuant to the examiner's review, the petition is accordingly treated as a Petition Under 37 CFR 1.183.

<sup>2</sup> Please note, in a Petition Under 37 CFR 1.47(b), the applicant must provide evidence that the non-signing inventor was presented with the *entire* application papers, not only the necessary signing papers. See MPEP 409.03(d).

Power of Attorney to his current address, but has failed to respond to either request that he sign the declaration. The second letter sent via Certified Mail and the Return Receipt, signed by Mr. Walton, confirming delivery on January 15, 2000 indicates that he did in fact receive the papers. In addition, petitioner has shown that EtechMM has a proprietary interest in the above-identified application, and that this petition is necessary to prevent irreparable damage to its patent rights. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64, signed by F. Lindsey Scott as attorney for the Assignee.

This Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 3600 for further processing.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Elenore Niu at (703) 305-0272.



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